

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	CHAPTER 7
)	
JOSE RAMON COSME,)	CASE NO. 16-21442
)	
DEBTOR.)	HON. PAMELA S. HOLLIS

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Friday, May 17, 2019 at 10:00 a.m.**, I shall appear before the Honorable Pamela S. Hollis, Bankruptcy Judge in Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, Illinois or before any other Bankruptcy Judge who may be sitting in her place and shall request a hearing on a on a **Motion To Object To The Debtor's Discharge And For Other Relief**, a copy of which is attached hereto and is herewith served upon you.

/s/ Jeffrey S. Snell
Jeffrey S. Snell, Attorney
Office of the U.S. Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(312) 886-0890

CERTIFICATE OF SERVICE

I, Jeffrey S. Snell, an attorney, state that pursuant to Local Rule 9013-1(D) the above **Notice of Motion** and the appended **MOTION TO OBJECT TO DISCHARGE** were filed on April 30, 2019, and served on all parties identified as Registrants on the service list below through the Court's Electronic Notice for Registrants and, as to all other parties on the service list below, I caused a copy to be sent via First Class Mail to the address(es) indicated on April 30, 2019.

/s/ Jeffrey S. Snell

SERVICE LIST

Registrants Served Through the Court's Electronic Notice for Registrants:

- Kenneth W Bach kennethb@johnsonblumberg.com, bkecfnotices@johnsonblumberg.com
- Joseph S Davidson jdavidson@sulaimanlaw.com, courtinfo@sulaimanlaw.com;bkycourtinfo@gmail.com;ecfnotice@sulaimanlaw.com;sulaiman.igotnotices@gmail.com;bkecf_sulaiman@bkexpress.info;r46351@notify.bestcase.com;cjohnson@sulaimanlaw.com
- Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov
- Peter N Metrou trustee7@metandnem.com, pmetrou@ecf.axosfs.com
- Josephine J Miceli Jo@johnsonblumberg.com
- Michael L Sherman shermlaw1@aol.com

Parties Served via First Class Mail:

Jose Ramon Cosme
201 Amherst Cir.
Oswego, IL 60543

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	CHAPTER 7
)	
JOSE RAMON COSME,)	CASE NO. 16-21442
)	
DEBTOR.)	HON. PAMELA S. HOLLIS

**MOTION TO OBJECT TO THE
DEBTOR'S DISCHARGE AND FOR OTHER RELIEF**

Patrick S. Layng, the United States Trustee for the Northern District of Illinois (the "U.S. Trustee"), by and through his attorney, Jeffrey S. Snell, hereby objects to the discharge of Jose Ramon Cosme (the "Debtor") pursuant to § 727(a)(8) of the Bankruptcy Code. In support of his Motion, the U.S. Trustee states to the Court as follows:

JURISDICTION

1. The Court has jurisdiction to hear and determine this motion pursuant to 11 U.S.C. § 157(b)(2)(J) and IOP 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.

2. Movant is the U.S. Trustee for the Northern District of Illinois and is charged with supervising the administration of bankruptcy cases under 28 U.S.C. § 586(a). The U.S. Trustee makes this request pursuant to the authority granted to him under 11 U.S.C. § 727(c)(1) and Fed. R. Bankr. P. 4004.

BACKGROUND

3. On June 23, 2010, less than eight years before the filing of the present case, the Debtor filed a Chapter 7 case in the Northern District of Illinois commencing Case No. 10 B 28133 (the "2010 Case").

4. On October 5, 2010, the Debtor received a discharge in the 2010 Case. *See* Exhibit A.

5. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on June 30, 2016 which Debtor converted to Chapter 7 on April 11, 2019.

ARGUMENT

6. Section 727(a)(8), as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, is explicit in its directive to the Court to grant the debtor a discharge “**unless**...the debtor has been granted a discharge under this section...in a case commenced within eight years before the date of the filing of the petition.” 11 U.S.C. § 727(a)(8) (emphasis added).

7. The proper measurement of the eight-year time period of § 727(a)(8) is from the filing date of the petition in the prior case to the filing date of the petition in the current case. *See* 11 U.S.C. § 348(a); *see also, In re Leduc*, No. BR 10-01641, 2011 WL 3204599, at *1 (Bankr. N.D. Iowa July 27, 2011).

8. The Debtor’s 2010 Case was filed on June 23, 2010 in the Northern District of Illinois. The present case was filed on June 30, 2016.

9. The Debtor in this proceeding is not eligible to receive a discharge by operation of 11 U.S.C. § 727(a)(8) because he received a discharge in a case commenced within eight years before the date of the filing of the petition herein.

WHEREFORE, the U.S. Trustee respectfully requests that the Court deny the Debtor's discharge in the above-captioned case pursuant to § 727(a)(8) and for such other relief as is just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: April 30, 2019

By: /s/ Jeffrey S. Snell
Jeffrey S. Snell, Attorney
Office of the U.S. Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(312) 886-0890